

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DAVID SUTHERLIN,

Plaintiff,

Case No. 2:12-cv-352

v.

Honorable R. Allan Edgar

UNKNOWN WINEBIRD, et al.,

Defendants.

DAVID SUTHERLIN,

Plaintiff,

Case No. 2:13-cv-38

v.

Honorable R. Allan Edgar

UNKNOWN WINEBIRD, et al.,

Defendants.

ORDER ADOPTING AND APPROVING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

On May 15, 2013, U.S. Magistrate Judge Timothy P. Greeley entered a Report and Recommendation ("R&R") in this consolidated case, in which he recommended that Plaintiff's case be dismissed for failure to state a claim. Doc. No. 78. In Plaintiff's complaint, he asserts that Defendants are female hermaphrodites and have repeatedly drugged and sodomized him, leaving their bodily fluids in Plaintiff's rectum. On November 8, 2012, the Court ordered that Plaintiff's complaint be served on Defendants in case no. 2:12-cv-352. Plaintiff subsequently filed case no. 2:13-cv-38, detailing the same allegations as those asserted in 2:12-cv-352. On March 28, 2013, Magistrate Judge Greeley ordered

that the two cases be consolidated. Doc. No. 56. In the R&R, Magistrate Judge Greeley screened the consolidated case and found the Plaintiff's allegations to be entirely delusional and therefore entitled to dismissal for lack of merit. Magistrate Judge Greeley noted that Plaintiff has made numerous allegations over the years with regard to alleged sexual assaults, all with the same or similar sets of circumstances. He then reviewed the Report and Recommendation in a previous similar case, 2:10-cv-240, in which Plaintiff's medical records were reviewed at length. He stated that the facts alleged in this case are irrational or wholly incredible; fanciful; fantastic; or delusional. He further stated that, given the amount of resources previously expended on Plaintiff's delusional and baseless claims, all of which are nearly identical to those asserted in this case, it would be irresponsible of the Court not to dismiss these claims.

Plaintiff has filed objections to the R&R. Doc. No. 82. This Court is required to make a de novo determination of those portions of the R&R to which objections have been filed, and may accept, reject, or modify any or all of the Magistrate Judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(a). In his objections, Plaintiff argues that he is entitled to discovery in order to prove his claims. Plaintiff asserts that there is a "deep-rooted conspiracy to cover up years over a decade of forcibly injecting Plaintiff ... with unknown psychosis inducing drugs and then forcibly assault and battery, ... by sexual penetration[.]" Doc. No. 82, p. ID 410. Plaintiff's objections [Doc. No. 82] are without merit and are DENIED.

Magistrate Judge Greeley's R&R [Doc. No. 78] is APPROVED and ADOPTED as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1) and W.D. Mich. L. Civ. R. 72.3(b). Plaintiff's case is DISMISSED WITH PREJUDICE in its entirety. Plaintiff's motion for a

preliminary injunction [Doc. No. 10]; Defendants' motion for summary judgment based on failure to exhaust administrative remedies [Doc. No. 24]; Plaintiff's motion to appoint counsel [Doc. No. 29]; Plaintiff's motion to compel discovery [Doc. No. 72]; Plaintiff's motion for order [Doc. No. 87]; Plaintiff's motion to appoint an expert [Doc. No. 92]; Plaintiff's cross motion for summary judgment [Doc. No. 94]; and Plaintiff's motions for sanctions [Doc. No. 98 and 101] are DENIED AS MOOT. A Judgment consistent with this Memorandum and Order will be entered.

SO ORDERED.

Dated: 9/17/2013

/s/ R. Allan Edgar
R. Allan Edgar
United States District Judge